

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:09-CR-338-D  
No. 5:11-CV-106-D

LAYT KHALIL MOHAMMAD YOUNIS, )  
Petitioner, )  
v. )  
UNITED STATES OF AMERICA, )  
Respondent. )

This court has reviewed the affidavit filed on July 27, 2011 [D.E. 50]. In light of the affidavit, the court hereby re-enters a new judgment identical in all respects to the judgment entered on July 7, 2010 [D.E. 37]. See United States v. Mongold, 259 F. App'x 539, 540–41 (4th Cir. 2007) (per curiam) (unpublished). Defendant may file a notice of appeal within 14 days of the date of this new judgment, and the United States may assert its rights under the appellate waiver in the plea agreement [D.E. 33]. The Federal Public Defender is appointed to represent defendant, if he wishes to file a notice of appeal. The section 2255 petition is DISMISSED without prejudice.

SO ORDERED. This 30 day of December 2011.

  
JAMES C. DEVER III  
Chief United States District Judge